

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

PACKMAN1, INC., a Florida
corporation, and BARKER PRODUCE,
INC., a New Mexico corporation,

Plaintiffs,

Case No. 8:18-cv-816-SDM-AEP

v.

SEASONS BEST PRODUCE CORP., a
dissolved Florida corporation by and
through Jason A. Canals, Sr., its last
known officer; STAY FRESH
DISTRIBUTORS, INC., a Florida
corporation; JASON A. CANALS, an
individual; COUNTY LINE BREW
SPOT, INC., a Florida corporation

Defendants.

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ORDER

This matter comes before the Court on Plaintiffs' Motion for Writ of Garnishment (Doc. 34). This matter arises from Plaintiffs' efforts to collect on its Judgment, which the Court entered in favor of Plaintiffs and against Defendants in the amount of \$92,848.55 (Docs. 24 & 25). According to Plaintiffs, the judgment remains unsatisfied. Plaintiffs believe that Defendant Jason A. Canals may have a bank account or other property in the possession or control of the Garnishee, Bank of America, N.A., and, by the instant motion, now requests that the Court issue a

writ of garnishment directed to Garnishee Bank of America, N.A., in order to recover on the outstanding judgment.

Pursuant to Rule 69, Federal Rules of Civil Procedure, the Court must follow state law regarding execution of a judgment. Fed. R. Civ. P. 69(a)(1). In Florida, a person who has recovered a judgment in any court has a right to a writ of garnishment. Fla. Stat. § 77.01. As Plaintiffs have recovered a judgment against Defendant Jason A. Canals, the Court may enforce the judgment through a writ of garnishment pursuant to Florida law. Upon consideration, the Court finds good cause to grant the motion. Notice of the writ of garnishment to Defendant Jason A. Canals shall occur pursuant to section 77.041, Florida Statutes.

Additionally, Plaintiffs request that the Court specially appoint any process server employed by Gotcha Legal Services, Inc., who is otherwise legally permitted to effectuate service of process under applicable law, to serve the court-ordered writ in this matter upon the garnishee (Doc. 34). Federal law governs who may serve a writ of garnishment. *See* Fed. R. Civ. P. 69(a)(1) (“The procedure ... in proceedings supplementary to and in aid of judgment or execution—must accord with the procedure of the state where the court is located, but a federal statute governs to the extent it applies.”). The Federal Rules have the force and effect of a federal statute. *See Sibbach v. Wilson & Co.*, 312 U.S. 1, 13 (1941) (indicating that a federal rule established within the power delegated to the Supreme Court “has the force of a federal statute”). Under the Federal Rules, a court may appoint a special process server to deliver a writ of garnishment like the one at issue here. *See* Fed. R. Civ. P.

4.1(a) (“Process—other than a summons under Rule 4 or a subpoena under Rule 45—must be served by a United States marshal or deputy marshal or by a person specially appointed for that purpose.”); *see also Sumner v. Garner*, No. 6:18-cv-40-ORL-28GJK, 2019 WL 6716193, at *1 (M.D. Fla. Dec. 9, 2019); *Francois v. Washmonbo, Inc.*, No. 05-23368-CIV, 2008 WL 2694752, at *2 (S.D. Fla. July 8, 2008). Accordingly, this Court grants the motion (Doc. 34) and authorizes any employee or agent of Gotcha Legal Services, Inc., who is otherwise legally permitted to effectuate service of process under applicable law, to serve the writ of garnishment on the garnishee in this matter.

Accordingly, it is hereby

ORDERED:

1. Plaintiffs’ Motion for Writ of Garnishment (Doc. 34) is GRANTED.
2. The Clerk is hereby directed to issue a Writ of Garnishment upon Garnishee Bank of America, N.A.
3. As Defendant Jason A. Canal is an individual, the Clerk is hereby directed to attach the required notice to Defendant Jason A. Canal pursuant to Florida Statutes § 77.041(1) to the writ of garnishment.
4. Any employee or agent of Gotcha Legal Services, Inc., who is otherwise legally permitted to effectuate service of process under applicable law, is authorized to serve the Writ of Garnishment on the Garnishee, Bank of America, N.A.

DONE AND ORDERED in Tampa, Florida, on this 12th day of April,
2022.



ANTHONY E. PORCELLI
United States Magistrate Judge

cc: Counsel of Record